## REMARKS

The Final Office Action dated March 29, 2012, has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto. Claims 24-43 are pending in this application. Applicants respectfully request reconsideration and withdrawal of the rejections.

## Claim Rejections -- 35 U.S.C. 103

Claims 24-26, 30-36, 39, and 40 are rejected under 35 U.S.C. 103(a) in view of U.S. Patent No. 6,711,460 to Reese in view of U.S. Patent No. 6,564,121 to Wallace *et al.* (hereinafter "Wallace"). Applicants again note that claim 39 is not indicated as rejected in the heading on page 2 of the Office Action, but Applicants assume that this claim is rejected based on reasoning in page 6 of the Office Action. Claims 27-29, 37, 38, and 41-43 are rejected under 35 U.S.C. 103(a) in view of Reese in view of Wallace, and further in view of U.S. Patent Application Publication No. 2003/0149599 of Goodall *et al.* (hereinafter "Goodall"). Applicants respectfully traverse these rejections.

### Claims 24 and 32

Independent claim 24 recites, in part, "*remotely accessing a plurality of order queues at an order server, wherein the plurality of order queues are each associated with one of a plurality of healthcare facilities, and selecting one of the plurality of order queues for reviewing and authorizing one or more related orders based on the remotely accessing the plurality of order queues.*" Reese, Wallace, and Goodall,

when taken alone or in combination, fail to teach or suggest at least such combination of features of independent claim 24.

Reese relates to a system for a single remote professional to provide pharmaceutical care and oversight of multiple local pharmacies. (*See* Abstract). More specifically, in the sections cited by the Office Action, the remote pharmacist is operatively linked to a number of individual pharmacies through a closed circuit television system, and a network link for transmission of order information or directions to drug retrieval and compounding robots. (*See* column 12, lines 36-66). Reese, however, fails to teach or suggest at least *remotely accessing a plurality of order queues at an order server, wherein the plurality of order queues are each associated with one of a plurality of healthcare facilities, selecting one of the plurality of order queues for reviewing and authorizing one or more related orders based on the remotely accessing the plurality of order queues,* as recited in independent claim 24.

In response to arguments presented in the Final Office Action, Reese fails to disclose both *remotely accessing a plurality of order queues at an order server* <u>and</u> *selecting one of the plurality of order queues . . . based on the remotely accessing the plurality of order queues*. Nevertheless, the Office appears to associate the remotely accessing aspect of the claim with orders received from individual pharmacies through a pharmacist computer acting as a server in Reese. (*See* Final Office Action, pages 3, 4, and 12). Even if this association can be made (not admitted), Reese fails to teach or suggest *selecting one of the plurality of order queues based on the remotely accessing*. Rather, using the contested associations

9

in the Final Office Action, namely that the pharmacist computer in Reese is associated with the order server, and accessing an individual pharmacy in Reese is associated with remotely accessing an order queue, there is no further step in Reese of *selecting one of the plurality of order queues*, where the order queues relate to *one of a plurality of healthcare facilities*. This is so at least because Reese fails to disclose an order server with a plurality of order queues separate from the remotely accessed pharmacy information system, as recited in the claims. In other words, if accessing the individual pharmacy in Reese is associated to the *remotely accessing* pharmacy information systems (not admitted), there is no separate selecting step for the plurality of order queues in Reese, much less where the selecting is *based on the remotely accessing*.

Furthermore, the Office asserts that Reese discloses receiving orders for prescription fulfillment from multiple order channels at an order server and accessing individual pharmacy information systems to authorize and remotely direct the filling of the order, and that this teaching constitutes authorizing, based on remotely accessing. (*See* Final Office Action, page 4). Even if this is true (not admitted), it is not clear how this relates to *selecting one of the plurality of order queues based on the remotely accessing*. As an initial matter, selecting an order queue is not indicative of authorizing an order. Also, as described above, *remotely accessing a plurality of order queues at an order server* and *selecting one of the plurality of order queues based on the remotely accessing* recited in claim 24 are separate steps. Even using the Office's interpretation of Reese (not admitted), namely that accessing individual pharmacy information systems to authorize and remotely direct the filling of the order allegedly teaches *remotely accessing a plurality of order queues at an order server*, there is

10

no additional step of *selecting one of the plurality of order queues based on the remotely accessing*, and thus Reese fails to teach or suggest at least this aspect.

Moreover, the Office repeatedly states that one cannot show nonobviousness by attacking references individually where the rejections are based on a combination of references. (*See* Final Office Action, page 12). Applicants remind the Office, however, that "to establish a prima facie case of obviousness, *all of the claimed features must be taught or suggested by the references*." MPEP, section 2142, and *KSR International Co., v. Teleflex Inc.*, No. 04-1350, (US, April 30, 2007) (emphasis added). The Office uses Reese to allegedly show the highlighted aspects, and as such, Applicants traverse the rejection explaining why Reese fails to teach or suggest such aspects. In any case, Wallace also fails to cure such deficiencies of Reese with respect to at least the highlighted aspects, and thus the combination of Reese and Wallace also fails to teach or suggest at least these aspects.

Additionally, the Office acknowledges that Reese fails to disclose aspects of claim 24, including queuing orders associated with individual pharmacies, and provides Wallace in alleged support on these features. (*See* Final Office Action, page 4). Specifically, the Office Action asserts that Wallace shows it is well known in the art to queue orders associated with individual healthcare facilities for remote fulfillment services. Wallace relates to a system for dispensing packaged and non-packaged medical products. (*See* column 5, lines 65-67). More specifically, Wallace discloses inputting patient and prescription information into a server, which a pharmacy controller account can access to process the prescription for dispensing to a remote control

11

dispenser (RCD). (*See* column 11, lines 64-67, and column 12, lines 1-29). Wallace, however, fails to teach or suggest a plurality of *order queues*.

Wallace merely discloses inventory and dispense queues at an RCD. (*See* column 11, lines 54-60). As further recited in claim 24, however, the claimed order queues are used in *reviewing and authorizing one or more related orders*. Wallace's queues merely relate to inventory at a RCD or items dispensed from the RCD. Such queues are completely different from those claimed and do not render *order queues* obvious.

In addition, the Office asserts that Wallace indicates a host system/server and multiple remote dispensers which process orders specifically designated for the remote station, and as the host system services multiple remote dispensers, there exists a plurality of queues. (*See* Final Office Action, page 13). To the contrary, Wallace fails to disclose, teach, or suggest such queues, much less a plurality of order queues. In particular, in Wallace, a user operates the remote station to obtain an order, which is processed by the host system. (*See, e.g.,* Figure 4). There is no indication in Wallace, however, that the order is queued before, during, or following processing. Thus, Wallace fails to teach or suggest this aspect of independent claim 24 as well.

Goodall fails to cure the deficiencies of Reese and Wallace at least with respect to the above highlighted aspects of independent claim 24.

In view of the foregoing, it is readily apparent that Reese, Wallace, and Goodall, when taken alone or in combination, fail to teach or suggest all elements recited in independent claim 24. Independent claim 32 recites similar aspects, namely *at least one first computer for accessing a plurality of order queues at a remotely located*

12

*order server, selecting one of the plurality of order queues based on accessing the plurality of order queues*, and thus Reese, Wallace, and Goodall fail to teach or suggest these aspects of this claim as well.

### Claim 40

Independent claim 40 recites, in part, *accessing orders from the first order queue **and** orders from the second order queue based at least in part on a request from a remote processing center*. Reese and Wallace, when taken alone or in combination, fail to teach or suggest at least such aspects.

In particular, Reese discloses the remote pharmacist is operatively linked to a number of individual pharmacies through a closed circuit television system, and uses a network link for transmission of order information or directions to drug retrieval and compounding robots, as shown above. There is no teaching or suggestion in Reese of accessing orders from multiple pharmacies based on a single request from a remote processing center. For at least this reason, Reese fails to teach or suggest at least *accessing orders from the first order queue **and** orders from the second order queue based at least in part on a request from a remote processing center*, as recited in independent claim 40.

In the Final Office Action, the Office argues that Reese discloses accessing the pharmacy information system for each served pharmacy based on selection of the inbound order from the respective pharmacy. (*See* Final Office Action, page 7). Even if this is true (not admitted), this is not indicative of accessing orders from multiple pharmacies based on a single request, as recited in independent claim 40. Rather, this

13

contested interpretation of Reese seems to indicate accessing a given pharmacy information system based on a corresponding selection of an inbound order, and not multiple order queues based on a single request. Thus, Reese fails to teach or suggest at least these aspects of independent claim 40.

Wallace and Goodall are silent regarding such aspects as well, and thus fail to cure the deficiencies of Reese.

Moreover, as described above with respect to claims 24 and 32, though the Office admits that Reese fails to disclose order queues and provides Wallace in alleged support of order queues, Wallace fails to teach or suggest order queues, as recited in independent claim 40 as well.

For at least the foregoing reasons, the Applicants submit that independent claims 24, 32, and 40 are allowable over the cited art of record. Accordingly, it is requested that rejection of these claims, as well as claims 25-31, 33-39, and 41-43, which depend therefrom, be withdrawn.

## CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 24-43 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 029714-00742**.

Respectfully submitted,

David M. Noonan
Registration No. 59,451

Customer No. 79439
ARENT FOX LLP
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

15